

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JIMMY MARTINEZ

§

v.

§ CIVIL ACTION NO. 6:15cv732

JEFFREY RICHARDSON, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Jimmy Martinez, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Martinez filed a motion asking that the Court issue an injunction permitting him to grow a beard. The magistrate judge recommended that the motion be denied, and Martinez has filed objections speculating that he may not be allowed to grow a Satanic goatee under the new TDCJ regulations permitting the growing of beards.

No case in any jurisdiction, state or federal, has addressed the issue of Satanic goatees. Martinez offers nothing beyond his own conclusory allegations to show that a goatee would not be allowed or that prohibiting the growing of a goatee places a substantial burden upon the exercise of his religion, much less that he has a substantial likelihood of success on the merits of his claim in this regard. His motion for injunctive relief is without merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (district judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 12) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief (docket no. 4) is hereby **DENIED**. The denial of this motion shall not prevent the Plaintiff from pursuing his claims in the underlying lawsuit, including his claim regarding the growing of his beard.

SIGNED this 8th day of March, 2016.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE